

**U.S. District Court
Middle District of Louisiana (Baton Rouge)
CIVIL DOCKET FOR CASE #: 3:13-cv-00778-BAJ-RLB**

Red Barn Motors, Inc. et al v. Nextgear Capital Inc., et al
Assigned to: Chief Judge Brian A. Jackson
Referred to: Magistrate Judge Richard L. Bourgeois, Jr
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 12/03/2013
Date Terminated: 09/29/2014
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Red Barn Motors, Inc.

represented by **Joshua Paul Melder**
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Baton Rouge, LA 70801
225-448-3560
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ATTORNEY TO BE NOTICED

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Plaintiff

Barbara A. Richardson

represented by **Joshua Paul Melder**
(See above for address)
ATTORNEY TO BE NOTICED

Cassie E Felder
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Donald B. Richardson

represented by **Joshua Paul Melder**
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ATTORNEY TO BE NOTICED

Cassie E Felder
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V.

Defendant

**Louisiana's First Choice Auto Auction,
L.L.C.**

represented by **Lisa Brener**
Brener Law Firm, LLC
3640 Magazine Street
New Orleans, LA 70115
504-302-7802
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Email: lbrener@brenerlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nextgear Capital, Inc.
*as successor-in-interest to Dealer Services
Corporation*

represented by **Robin B. Cheatham**
Adams and Reese LLP
701 Poydras Street, Suite 4500
One Shell Square
New Orleans, LA 70139
504-581-3234
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Date Filed	#	Docket Text
12/03/2013	<u>1</u>	COMPLAINT against Louisiana's First Choice Auto Auction, L.L.C., Nextgear Capital Inc., as successor-in-interest to Dealer Services Corporation (Filing fee \$ 400 receipt number 053N-1021333.), filed by Red Barn Motors, Inc., Barbara A. Richardson, Donald B Richardson. (Attachments: # <u>1</u> Attachment Summons, # <u>2</u> Attachment Civil Cover Sheet)(Felder, Cassie) (Attachment 2 replaced on 12/4/2013) (CGP). (Entered: 12/03/2013)
12/04/2013	<u>2</u>	Summons Submitted (Attachments: # <u>1</u> Attachment Summons)(Felder, Cassie) (Entered: 12/04/2013)
12/05/2013	<u>3</u>	Summons Issued as to Louisiana's First Choice Auto Auction, L.L.C., Nextgear Capital, Inc.. (NOTICE: Counsel shall print and serve both the summons and all attachments in accordance with Federal Rule of Civil Procedure 4.) (CGP) (Entered: 12/05/2013)
01/14/2014	<u>4</u>	SUMMONS Returned Executed by Red Barn Motors, Inc.. Nextgear Capital, Inc. served on 12/26/2013, answer due 1/16/2014. (Felder, Cassie) (Entered: 01/14/2014)
01/14/2014	<u>5</u>	SUMMONS Returned Executed by Red Barn Motors, Inc.. Louisiana's First Choice Auto Auction, L.L.C. served on 1/3/2014, answer due 1/24/2014. (Felder, Cassie) (Entered: 01/14/2014)
01/16/2014	<u>6</u>	MOTION for Extension of Time to File Answer to <u>1</u> Complaint, by Nextgear Capital, Inc.. (Cheatham, Robin) (Entered: 01/16/2014)
01/16/2014	<u>7</u>	MOTION(S) REFERRED: <u>6</u> MOTION for Extension of Time to File Answer to <u>1</u> Complaint, . This motion is now pending before the USMJ. (CGP) (Entered: 01/16/2014)
01/23/2014	<u>8</u>	ORDER granting <u>6</u> Motion for Extension of Time to Answer <u>1</u> Complaint by Nextgear Capital, Inc. Answer due by 02/06/2014. Signed by Magistrate Judge Richard L. Bourgeois, Jr on 01/23/2014. (CGP) (Entered: 01/23/2014)

01/29/2014	<u>8</u>	MOTION for Extension of Time to File Responsive Pleadings by Louisiana's First Choice Auto Auction, L.L.C.. (Attachments: # <u>1</u> Proposed Pleading;)(Brener, Lisa) (Entered: 01/29/2014)
01/30/2014	<u>1</u>	MOTION(S) REFERRED: <u>8</u> MOTION for Extension of Time to File Responsive Pleadings. This motion is now pending before the USMJ. (CGP) (Entered: 01/30/2014)
02/03/2014	<u>9</u>	ORDER granting <u>8</u> Motion for Extension of Time to Filed Responsive Pleadings. Louisiana's First Choice Auto Auction, L.L.C. is granted an extension of time until 02/10/2014 to file responsive pleadings. Signed by Magistrate Judge Richard L. Bourgeois, Jr on 02/03/2014. (CGP) (Entered: 02/03/2014)
02/03/2014	<u>1</u>	Set/Reset Deadlines: Louisiana's First Choice Auto Auction, L.L.C. answer due 2/10/2014. (CGP) (Entered: 02/03/2014)
02/06/2014	<u>10</u>	MOTION to Dismiss for Failure to State a Claim by Nextgear Capital, Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Ex 1–3 to Memo in Support, # <u>3</u> Exhibit Proposed Order)(Cheatham, Robin) (Entered: 02/06/2014)
02/06/2014	<u>11</u>	MOTION to Transfer Case to United States District Court Southern District of Indiana by Nextgear Capital, Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Ex 1–2 to Memo in Support)(Cheatham, Robin) (Entered: 02/06/2014)
02/10/2014	<u>12</u>	MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> by Louisiana's First Choice Auto Auction, L.L.C.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Pleading;)(Brener, Lisa). Added MOTION to Dismiss on 2/10/2014 (CGP). Added MOTION for More Definite Statement on 2/10/2014 (CGP). Modified on 2/10/2014 to edit text (CGP). (Entered: 02/10/2014)
02/26/2014	<u>13</u>	MEMORANDUM in Opposition to <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana filed by Louisiana's First Choice Auto Auction, L.L.C.. (Brener, Lisa) (Entered: 02/26/2014)
02/27/2014	<u>14</u>	MEMORANDUM in Opposition to <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana filed by All Plaintiffs. (Melder, Joshua) (Entered: 02/27/2014)
02/27/2014	<u>15</u>	MEMORANDUM in Opposition to <u>10</u> MOTION to Dismiss for Failure to State a Claim filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit)(Melder, Joshua) (Attachment 1 replaced on 2/28/2014) (SMG). (Entered: 02/27/2014)
03/03/2014	<u>16</u>	MEMORANDUM in Opposition to <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> MOTION to Dismiss the Individual Plaintiffs MOTION for More Definite Statement filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit)(Melder, Joshua) (Attachment 1 replaced on 3/5/2014) (CGP). (Entered: 03/03/2014)
03/10/2014	<u>17</u>	REPLY to <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> MOTION to Dismiss the Individual Plaintiffs MOTION for More Definite Statement, <u>16</u> Memorandum in Opposition to Motion, filed by Louisiana's First Choice Auto Auction, L.L.C.. (Attachments: # <u>1</u> Exhibit)(Brener, Lisa) (Entered: 03/10/2014)
03/10/2014	<u>18</u>	MOTION for Leave to File File Reply Memorandum by NextGear Capital, Inc. to Plaintiffs' Memorandum in Opposition of the Motion to Transfer by Nextgear Capital, Inc.. (Attachments: # <u>1</u> Proposed Pleading;)(Cheatham, Robin) (Entered: 03/10/2014)
03/11/2014	<u>19</u>	MOTION for Leave to File Reply Memorandum to Plaintiffs' Opposition to Motion to Dismiss by Louisiana's First Choice Auto Auction, L.L.C.. (Attachments: # <u>1</u> Proposed Pleading; Order, #

		<u>2</u> Proposed Pleading; Reply Memorandum, # <u>3</u> Exhibit Exhibit)(Brener, Lisa) (Entered: 03/11/2014)
03/11/2014	<u>20</u>	MOTION for Leave to File Supplemental Opposition to NextGear's Motion to Transfer by Louisiana's First Choice Auto Auction, L.L.C.. (Attachments: # <u>1</u> Proposed Pleading; Order, # <u>2</u> Proposed Pleading; Supplemental Opposition)(Brener, Lisa) (Entered: 03/11/2014)
03/19/2014	<u>21</u>	MOTION for Leave to File Reply Memorandum by NextGear Capital, Inc. to Plaintiffs' Memorandum in Opposition of the Motion to Dismiss by Nextgear Capital, Inc.. (Attachments: # <u>1</u> Proposed Pleading;)(Cheatham, Robin) (Entered: 03/19/2014)
03/19/2014	<u>22</u>	MOTION for Leave to File Reply Memorandum by NextGear Capital, Inc. to Louisiana's First Choice Auto Auction's Memornadum in Opposition to the Motion to Transfer and Supplemental Opposition to the Motion to Transfer by Nextgear Capital, Inc.. (Attachments: # <u>1</u> Proposed Pleading; Reply Memo, # <u>2</u> Exhibit 1)(Cheatham, Robin) (Entered: 03/19/2014)
04/03/2014	<u>23</u>	MOTION for Oral Hearing for a re <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> MOTION to Dismiss the Individual Plaintiffs MOTION for More Definite Statement, <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana , <u>10</u> MOTION to Dismiss for Failure to State a Claim by All Plaintiffs. (Attachments: # <u>1</u> Memorandum in Support)(Melder, Joshua) Modified on 4/3/2014 to edit text (CGP). (Entered: 04/03/2014)
04/10/2014	<u>24</u>	MEMORANDUM in Opposition to <u>23</u> MOTION for Oral Hearing re <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> filed by Nextgear Capital, Inc.. (Cheatham, Robin) Modified on 4/10/2014 to edit text (LLH). (Entered: 04/10/2014)
05/12/2014	<u>25</u>	MOTION for Leave to File Amended Complaint, by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B & C)(Melder, Joshua) Modified on 5/13/2014 to edit text(CGP). (Entered: 05/12/2014)
05/13/2014	<u>I</u>	MOTION(S) REFERRED: <u>25</u> MOTION for Leave to File Amended Complaint. This motion is now pending before the USMJ. (CGP) Modified on 5/13/2014 to edit text (CGP). (Entered: 05/13/2014)
05/28/2014	<u>26</u>	RESPONSE in Opposition to <u>25</u> Plaintiffs' Motion for Leave to File Amended Complaint filed by Nextgear Capital, Inc.. (Cheatham, Robin) Modified on 5/29/2014 to edit text (CGP). (Entered: 05/28/2014)
06/10/2014	<u>27</u>	RULING AND ORDER granting <u>18</u> MOTION for Leave to File Reply Memorandum to Plaintiffs' Memorandum in Opposition of the Motion to Transfer, <u>19</u> MOTION for Leave to File Reply Memorandum to Plaintiffs' Opposition to Motion to Dismiss, <u>20</u> MOTION for Leave to File Supplemental Opposition to NextGear's Motion to Transfer, <u>21</u> MOTION for Leave to File Reply Memorandum to Plaintiffs' Memorandum in Opposition of the Motion to Dismiss and <u>22</u> MOTION for Leave to File Reply Memorandum to Louisiana's First Choice Auto Auction in Opposition to the Motion to Transfer and Supplemental Opposition to the Motion to Transfer. Signed by Chief Judge Brian A. Jackson on 06/09/2014. (CGP) (Entered: 06/10/2014)
06/10/2014	<u>28</u>	REPLY MEMORANDUM to <u>14</u> Memorandum in Opposition to <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana filed by Nextgear Capital, Inc. (CGP) (Entered: 06/10/2014)
06/10/2014	<u>29</u>	REPLY MEMORANDUM to <u>16</u> Memorandum in Opposition to <u>12</u> MOTION to Dismiss filed by Louisiana's First Choice Auto Auction, L.L.C. (Attachments: # <u>1</u> Exhibit 1)(CGP) Modified

		on 6/10/2014 to edit text(CGP). (Main Document 29 replaced on 6/10/2014) (CGP). (Entered: 06/10/2014)
06/10/2014	<u>30</u>	Supplemental MEMORANDUM in Opposition to <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana filed by Louisiana's First Choice Auto Auction, L.L.C.(CGP) Modified on 6/10/2014 to edit text (CGP). (Entered: 06/10/2014)
06/10/2014	<u>31</u>	REPLY MEMORANDUM to <u>15</u> Memorandum in Opposition to Motion <u>10</u> MOTION to Dismiss for Failure to State a Claim filed by Nextgear Capital, Inc. (Attachments: # <u>1</u> Exhibit 1)(CGP) Modified on 6/10/2014 to edit text (CGP). (Entered: 06/10/2014)
06/10/2014	<u>32</u>	REPLY MEMORANDUM to <u>13</u> Memorandum in Opposition to <u>11</u> MOTION to Transfer Case and <u>30</u> Supplemental Opposition to the Motion to Transfer filed by Nextgear Capital, Inc. (Attachments: # <u>1</u> Exhibit 1)(CGP) Modified on 6/17/2014 to edit text (CGP). (Entered: 06/10/2014)
06/27/2014	<u>33</u>	RULING and ORDER granting <u>23</u> Motion for Oral Hearing. The parties shall appear before the undersigned for a hearing on the pending motions on Tuesday, 7/8/2014 at 9:30 AM in Courtroom 2 before Chief Judge Brian A. Jackson. Signed by Chief Judge Brian A. Jackson on 6/27/2014. (JDL) (Entered: 06/27/2014)
06/27/2014	<u>I</u>	Set/Reset Deadlines as to <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> MOTION to Dismiss the Individual Plaintiffs MOTION for More Definite Statement, <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana, <u>10</u> MOTION to Dismiss for Failure to State a Claim: Motion Hearing set for 7/8/2014 at 09:30 AM in Courtroom 2 before Chief Judge Brian A. Jackson. (JDL) (Entered: 06/27/2014)
07/08/2014	<u>34</u>	Minute Entry for proceedings held before Chief Judge Brian A. Jackson: Motion Hearing held on 7/8/2014 re <u>12</u> MOTION to Dismiss for Failure to State a Claim <i>Upon which relief May be granted, or Alternatively, Motion to Dismiss the Individual Plaintiffs and Motion for a More Definite Statement</i> MOTION to Dismiss the Individual Plaintiffs MOTION for More Definite Statement filed by Louisiana's First Choice Auto Auction, L.L.C., <u>11</u> MOTION to Transfer Case to United States District Court Southern District of Indiana filed by Nextgear Capital, Inc., <u>25</u> MOTION to Amend <u>1</u> Complaint, filed by Donald B. Richardson, Red Barn Motors, Inc., Barbara A. Richardson, <u>10</u> MOTION to Dismiss for Failure to State a Claim filed by Nextgear Capital, Inc. The Court hears oral argument on pending motions. The Court will take these matters under advisement and issue a written ruling within the next two weeks. (Court Reporter Clare Smith-Neely.) (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (PJH) (Entered: 07/14/2014)
09/29/2014	<u>35</u>	RULING AND ORDER granting <u>11</u> Motion to Transfer Case. This matter is transferred to the Southern District of Indiana. Signed by Chief Judge Brian A. Jackson on 09/29/2014. (NLT) (Entered: 09/29/2014)